

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

EDWIN L. RESO,

Plaintiff,

v.

ARTISAN PARTNERS LIMITED  
PARTNERSHIP,

Defendant.

Case No. 11-CV-873-JPS

ORDER

The plaintiff, Edwin Reso (“Reso”), an investor in mutual funds operated by the defendant, Artisan Partners Limited Partnership (“Artisan”), brought this suit against Artisan alleging violations of Section 36(b) of the Investment Company Act of 1940. (Docket #1). Initially, Reso demanded a trial by jury on any issue so triable. (Docket #1). Reso has since withdrawn that demand, because there is not a right to a jury trial under Section 36(b). (Docket #82). In place of that demand, Reso has moved that the Court exercise its discretion to impanel an advisory jury to hear his claims, under Federal Rule of Civil Procedure 39(c)(1). (Docket #82). Artisan opposes that motion. (Docket #83).

At this time, the Court denies Reso’s motion, but does so without prejudice, so that he may reinstate his motion at a time closer to trial. Given the undeveloped state of the factual record, at this time the Court cannot make a proper determination of the actual role a jury would serve in a trial in this case. Thus, the Court believes that the wisest course of action is to defer its decision on Reso’s motion until the October 16, 2012 final pretrial conference. At that time, discovery will have been completed and the factual

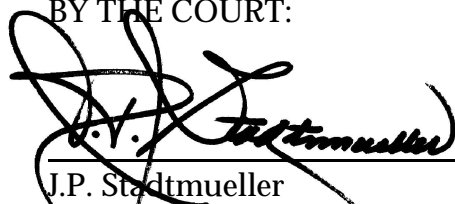
and legal issues should be in much greater focus than as they currently exist. With that enhanced record, the Court will be better able to make an informed decision as to whether it should impanel an advisory jury.

Accordingly,

IT IS ORDERED that the plaintiff's motion to impanel an advisory jury pursuant to Federal Rule of Civil Procedure 39(c)(1) (Docket #82) be and the same is hereby DENIED without prejudice, with instructions that plaintiff may renew the motion at the Court's October 16, 2012 final pretrial conference.

Dated at Milwaukee, Wisconsin, this 27th day of January, 2012.

BY THE COURT:



J.P. Stadtmueller  
U.S. District Judge